IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

OP.No. 7214 of 2000(H)

PETITIONER:

A.V.A. SALAM, S/O. VEERAVU HAJI,
PRESIDENT, FISH CURERS CO-OP. SOCIETY LTD. NO. F.1137,
CHALIL, THALASSERY.

BY ADV. SMT.P.M.INDU.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, FISHERIES DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE REVENUE DIVISIONAL OFFICER, THALASSERY.**
3. **THE DEPUTY DIRECTOR OF FISHERIES, KANNUR.**

BY GOVERNMENT PLEADER SMT. N. SUDHA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 25/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 12014/2000 IN O.P. NO. 7214/2000

DISMISSED

25/09/007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REPRESENTATION DTD. 17/08/94 SUBMITTED TO THE CHIEF MINISTER.

EXT.P.2: COPY OF THE NOTICE DT. 02/01/95 ISSUED BY THE R.3.

EXT.P.3: COPY OF THE DECISION DTD. 10/01/95.

EXT.P.4: COPY OF THE REPRESENTATION DTD. 25/02/2000 FILED BY THE PETITIONER & OTHERS BEFORE THE R.2.

EXT.P.5: COPY OF THE NEWS ITEM DTD. 26/02/2000 PUBLISHED IN THE MALAYALA MANORAMA DAILY.

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE.

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 7214 of 2000-H

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Dated this the 25th day of September, 2007.

JUDGMENT

1. Learned Government Pleader appears for the respondents. Service complete.

2. The petitioner claims that he is one among those involved in the activity of fish curing. It is stated that certain stretch of land in Thalassery was put to the exclusive use as fish curing yard and that as per Ext.P3, the Government had conceded to the demand that the said area requires to be provided with a compound wall and certain other facilities as enumerated in Ext.P3. Though that decision is on 10-1-1995, even after the lapse of more than 12 years, it is submitted on behalf of the Government that the decisions contained in Ext.P3 could not be

implemented for lack of funds. With the passage of time, I do not deem it appropriate to issue any direction to compel the Government to carry out decisions recorded in Ext.P3. More than a decade having gone through, it would also become necessary for the appropriate administrative authorities to re-consider whether any developmental activity referable to the fish curing yard is to be done.

In the aforesaid circumstances, this writ petition is disposed of directing that the competent authority will re-consider the aforesaid issue and do the needful.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 7214 of 2000-H

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JUDGMENT

Dated: 25th September, 2007.